

**BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

Application of Wisconsin Power and Light Company)	
and Wisconsin Electric Power Company for a)	
Certificate of Authority to Install a NO _x Reduction)	Docket No. 5-CE-137
System, Selective Catalytic Reduction (SCR), at the)	
Edgewater Generating Station on Unit 5)	

**WISCONSIN POWER AND LIGHT COMPANY'S
RESPONSE TO THE MOTION TO MODIFY TESTIMONY
SCHEDULE AND SHORTEN TIME FOR RESPONSES**

Pursuant to Wis. Admin. Code § 2.23(1), Wisconsin Power and Light Company ("WPL") respectfully files this response in opposition to Wisconsin Electric Power Company's ("Wisconsin Electric") "Motion to Modify the Testimony Schedule and Shorten Time for Responses" to provide additional information regarding the potential affect of delaying the procedural schedule.

WEPCO provides two bases for the motion: (1) "to allow Wisconsin Electric time to pursue various considerations, including recent settlement discussions," and (2) that an "extension will not prejudice the proceeding in light of the extended build schedule."

As to the first basis, WPL notes generally that settlements between parties in any docket can occur at various times during a procedural schedule, and do not necessarily have to occur prior to filing of direct testimony. As to the second basis, WPL believes that it is important to recognize that a delay in the procedural schedule could result in additional costs in the project. As the 75% owner of Edgewater Unit 5, WPL has a significant interest in the unit and the proposed project, and as the operator, WPL is

responsible for the implementation of the proposed project. The project is purposed to reduce NO_x emissions to allow for compliance with the Phase II of the reasonably available control technology (“RACT”) rule. Phase II has an effective date of May 1, 2013. A construction start date for the project of September 2010 is scheduled to accomplish a tie-in of the proposed emission control in fall 2012, allowing time to test and optimize the SCR system in advance of Phase II of the RACT rule. Prior to September 2010, financial commitments for materials, such as structural steel and other long lead time items, will need to be made in order to initiate construction activities according to the current construction schedule and to meet the planned outage dates for the tie-in of the SCR equipment in the fall of 2012. Additionally, delay of procurement or construction could consume available schedule float, increasing the risk of maintaining the budget, schedule, or both.

In the event that the Commission denies the application for a certificate of authority in this docket, sufficient time to take actions to ensure compliance with Phase II of RACT, including, potentially, securing replacement power for WPL’s customers, would become necessary. An inability to comply with Phase II of RACT at Edgewater Unit 5 will have dramatic operational consequences at Edgewater Unit 5 or the Edgewater Facility as a whole.

For the foregoing reasons, WPL is opposed to a change in the procedural schedule that would result in a postponement of the hearing.

[SIGNATURE ON FOLLOWING PAGE]

Dated this 15th day of October, 2009.

Respectfully submitted,

WISCONSIN POWER AND LIGHT COMPANY

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